



UNITED STATES MARINE CORPS
MARINE CORPS AIR STATION
POSTAL SERVICE CENTER BOX 8003
CHERRY POINT, NORTH CAROLINA 28533-0003

AirStaO 5800.6
SJA
05 Jan 2006

AIR STATION ORDER 5800.6

From: Commanding General, Marine Corps Air Station Cherry Point
To: Distribution List

Subj: VICTIM AND WITNESS ASSISTANCE PROGRAM (VWAP)

Ref: (a) 42 USCS § 10601, et seq
(b) 18 USCS §§ 1512-1514
(c) DoDD 1030.1
(d) DoDI 1030.2
(e) Chapter 6, LEGADMIN

Encl: (1) Definitions
(2) Victim Witness Liaison Officer (VWLO) Responsibilities
(3) Sample VWAC Appointing Letter
(4) Command Victim Witness Assistance Coordinator (VWAC) Responsibilities

1. Situation. To set forth procedures and responsibilities under the Victim and Witness Assistance Program (VWAP) established by references (a) and (b), and define the policies, responsibilities, and procedures for Marine Corps Air Station Cherry Point compliance with references (c) and (d).

2. Mission. To ensure that crime victims and witnesses are provided specific rights and services.

3. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent

(a) The provisions of this order apply to all personnel onboard Marine Corps Air Station Cherry Point, including tenant commands, engaged in detecting, investigating, or prosecuting crime, and to personnel assisting crime victims and witnesses. This order pertains to victims and witnesses of offenses committed in violation of the UCMJ and to witnesses involved in proceedings conducted under the Manual for Courts-Martial (MCM) 2002. This order is not limited to criminal offenses prosecuted at courts-martial. Crime victims and witnesses do not forfeit their status when offenses are referred to non-judicial punishment or administrative separation proceedings.

(b) All victims and witnesses shall be treated with fairness and with respect for their dignity and privacy, and afforded the specific rights as set forth in Paragraph 6004 of reference (e).

(c) Victims and witnesses of crime normally suffer some adverse impact from the crime. The VWAP is designed to minimize the effects of crime, and to help victims and witnesses understand and meaningfully participate in the military justice system. The VWAP ensures that Marine Corps personnel are trained to provide appropriate information, referrals, and services.

(2) Concept of Operations

(a) The Commanding General, MCAS Cherry Point, is responsible for implementing VWAP. The Staff Judge Advocates, Marine Corps Air Station and 2d Marine Aircraft Wing, are the principal agents responsible for implementing and maintaining VWAP on behalf of the Commanding General.

(b) Tenant commanders, commanding officers, and officers in charge (OICs) are responsible for ensuring that victims and witnesses in their commands are afforded their rights and are informed of the status of a criminal case through final disposition, especially cases investigated and resolved within the command.

(c) All disciplines (e.g., law enforcement, security, criminal investigations, convening authorities, legal, and corrections) are responsible for ensuring a smooth transition of victim and witness assistance through the stages of the criminal justice process.

(d) Service providers (e.g., Marine and family Services [M&FS]) personnel, family advocacy counselors, victim advocates, health care personnel, chaplains, and legal assistance attorneys) are responsible for providing available services to victims and, when appropriate, shall provide referrals to community-based or state-based services.

b. Subordinate Mission

(1) The Staff Judge Advocates (SJAs) shall:

(a) Ensure close coordination between local VWAP representatives from Naval Criminal Investigative Service (NCIS), law centers, military police, commanding officers, medical facilities, Marine and Family Services (M&FS), corrections facilities, and chaplains.

(b) Establish a local Victim and Witness Assistance Council to coordinate the efforts to provide a comprehensive assistance program and comply with VWAP notification and reporting requirements. The Director of the Joint Law Center shall designate the Victim Witness Liaison Officer (VWLO), who shall act as council chairperson. VWLO responsibilities are outlined in enclosure (2).

(c) Ensure that data is maintained concerning the number of victims and witnesses who received DD Forms 2701-2704.

(d) Construct and maintain, with the assistance of the local M&FS, a directory of programs, services, and crime victim compensation funds available within their geographic area, both military and civilian, to which a victim or witness may be referred. When appropriate, enter into Memoranda of Agreement with civilian agencies to ensure victims and witnesses are provided required services.

(e) Ensure that victims and witnesses are receiving the information and services as required under VWAP.

(f) Ensure VWAP is included as an item of interest during regular inspections.

(g) Ensure trial counsel meet their responsibilities under VWAP as delineated in paragraph 6006.7 of reference (e).

(2) Commanding Officers, and Officers in Charge

(a) Are responsible for understanding and aggressively supporting VWAP and ensuring compliance with this chapter. Every commander (squadron level and above) shall appoint, in writing, a Victim and Witness Assistance Coordinator (VWAC). The appointment letter shall include the VWAC's name, title, duty address, and duty telephone number [see enclosure (3)]. VWAC responsibilities are set forth in enclosure (4).

(3) Marine and Family Services (M&FS)

(a) The M&FS Director shall appoint, in writing, a representative to participate in the MCAS Cherry Point Victim and Witness Assistance Counsel meetings.

c. Coordinating Instructions

(1) MCAS Cherry Point service providers include victim advocates, family advocacy counselors, chaplains, health care personnel, legal assistance attorneys, and others who assist crime victims and witnesses. Service providers shall:

(a) Understand and support VWAP and know the rights of victims and witnesses under VWAP.

(b) Inform crime victims and witnesses about VWAP when they receive counseling, treatment, or advice.

(c) Inform victims of spousal or interfamilial abuse of the benefits provided under "Transitional Compensation for Abused Family Members." The purpose of this program is to help ease the transition from military to civilian life for spouses and/or dependent children of a servicemember who is separated from active duty as a result of a family abuse offense. The spouse and/or family should be referred to the Joint Law Center (JLC) for assistance with completion of DD Form 2698 "Application for Transitional Compensation." The Victim Witness Liaison Officer, JLC, or Family Advocacy Program (FAP) Victim Advocate can provide more detailed information on Transitional Compensation. Victims may also seek assistance from the local legal assistance office for benefits provided under "Benefits for Dependents who are Victims of Abuse by Members Losing the Right to Retired Pay" and other benefits under VWAP.

(d) Inform crime victims of State crime compensation funds that may be available to reimburse victims for certain expenses incurred as a result of the crime.

(e) Know the points of contact at your installation for victim and witness assistance issues, including base police, NCIS, SJA, M&FS, Family Advocacy Program, medical clinics or hospitals, and chaplains for victim and witness assistance issues.

4. Administration and Logistics

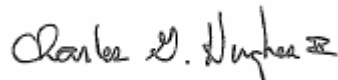
a. This order is published electronically and can be accessed via MCAS Cherry Point intranet www.cherrypoint.usmc.mil MCAS Orders/Bulletins.

b. Access to an online medium will suffice for orders that can be obtained from the Internet, CD-ROM, or other sources. For purposes of inspection, electronic files will suffice and need not be printed. For commands without access to the MCAS Cherry Point intranet, hard copy can be obtained through the Adjutant's office.

5. Command and Signal

a. Signal. This order is effective the date signed.

b. Command. This order is applicable to all personnel onboard Marine Corps Air Station Cherry Point.



C. G. HUGHES II
Chief of Staff

05 Jan 2006

Definitions

1. Victim. A person who has suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime committed in violation of the UCMJ, or in violation of the law of another jurisdiction if any portion of the investigation is conducted primarily by the DoD Components. Such individuals shall include, but are not limited to, the following:

a. Military members and their family members.

b. When stationed outside the continental United States, DoD civilian employees and contractors, and their family members. This applies to services not available to DoD civilian employees and contractors and their family members in stateside locations, such as medical care in military medical facilities.

c. When a victim is under 18 years of age, incompetent, incapacitated, or deceased, the term includes one of the following (in order of precedence): a spouse, legal guardian, parent, child, sibling, another family member, or another person designated by the court or the component responsible official, or designee.

d. The term "victim" does not include an individual involved in the crime as a perpetrator or accomplice, even though the individual may be one of the representatives described above.

e. For a victim that is an institutional entity, an authorized representative of the entity. Federal departments and State and local agencies, as entities, are not eligible for services available to individual victims.

2. Witness. A person who has information or evidence about a crime, and provides that knowledge to a DoD component about an offense in the investigative jurisdiction of a DoD component. When the witness is a minor, that term includes a family member or legal guardian. The term witness does not include a defense witness or an individual involved in the crime as a perpetrator or accomplice.

ENCLOSURE (1)

Victim Witness Liaison Officer (VWLO) Responsibilities

1. The VWLO is the installation Commanding General's representative responsible for the coordination of victim and witness assistance efforts aboard MCAS Cherry Point. The VWLO shall:

a. Ensure that each organization (battalion/squadron level and above) assigned to the installation appoints a Victim Witness Assistance Coordinator (VWAC).

b. Coordinate with the senior tenant commander(s) to ensure that each tenant command (battalion/squadron level and above) appoints a VWAC.

c. Maintain a list of VWACs (both organic and tenant) aboard the installation.

d. Maintain, in coordination with the M&FS Director, a directory of military and civilian programs and services providing counseling, treatment, and other victim support within the geographic area of the installation.

e. Obtain and distribute relevant information to VWACs (both organic and tenant), including the roster of VWACs and the directory of local programs and services.

f. Ensure victims and witnesses are notified of their rights.

g. Ensure victims are notified of the names, titles, duties, addresses, and telephone numbers of the VWACs involved in their case.

h. Assist victims in exercising their rights and obtaining support.

i. Chair meetings of MCAS Cherry Point Victim and Witness Assistance Council.

j. Assist the Director, JLC, in meeting VWAP reporting requirements.

ENCLOSURE (2)

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Sample Victim Witness Assistance Coordinator
Appointing Letter

From: Commanding Officer
To:

Subj: APPOINTMENT AS VICTIM AND WITNESS COORDINATOR (VWAC)

Ref: (a) DoD Direct
(b) DoD Instruction 1030.2

1. Per the references, you are hereby appointed as the Unit Victim Witness Assistance Coordinator.
2. You will familiarize yourself with the above references and all other orders and directives and comply with them in the performance of your duties as the VWAC. The references will guide you in the performance of your duties.
3. You are required to attend all periods of training scheduled by the Cherry Point VWAC Liaison Officer (VWAC/LO).
4. This authority replaces all previous authorizations.

Signature

Copy to:
VWAC/LO

ENCLOSURE (3)

Command Victim Witness Assistance Coordinator
Responsibilities

1. Generally. The VWAC is the command's primary point of contact for victim witness assistance matters.

a. Each VWAC is responsible for obtaining and distributing VWAP materials and for providing VWAP training to the members of their respective command.

b. In cases involving victims, witnesses, or accused from different commands, the VWACs for the respective commands may have overlapping duties and responsibilities. Coordination between VWACs aboard MCAS Cherry Point is essential.

c. Each VWAC will maintain data on the number of victims and witnesses who received DD Forms 2701, 2702, 2703 and 2704 each calendar year and provide that information to the VWLO annually NLT 10 January.

d. Specific VWAC responsibilities are delineated in Paragraph 6011 of reference (e).

ENCLOSURE (4)